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11 Qualcomm Incorporated

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 In re
16 **GABRIEL TECHNOLOGIES CORP., et al.,**
17 Debtors.

Case No. 13-30340-DM
(Case No. 13-30341)

CHAPTER 11

(Jointly Administered)

**DECLARATION OF BRIAN W. BYUN,
ESQ. IN SUPPORT OF MOTION BY
QUALCOMM INCORPORATED,
PURSUANT TO 11 U.S.C. § 1112 FOR
CONVERSION TO CASES UNDER
CHAPTER 7 OR, IN THE
ALTERNATIVE, FOR APPOINTMENT
OF A CHAPTER 11 TRUSTEE, FOR
CAUSE**

Date: May 10, 2013
Time: 10:00 a.m.
Court: Courtroom No. 22
235 Pine Street, 22nd Floor
San Francisco, CA
Judge: Hon. Dennis Montali

18 I, Brian W. Byun, declare as follows:

19 **1.** I am an attorney at law duly licensed to practice before all courts of the State of
20 California and the United States District Court for the Northern District of California. I am an
21 associate in the law firm of Cooley LLP, counsel for Qualcomm Incorporated ("Qualcomm"),
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1 judgment creditor of the above-captioned debtors and debtors-in-possession, Gabriel
2 Technologies Corp. ("Gabriel") and Trace Technologies, LLC ("Trace" and together with
3 Gabriel, the "Debtors").

4 2. I make this Declaration in support of Qualcomm's Motion, Pursuant to 11 U.S.C.
5 § 1112, for Conversion to Cases under Chapter 7, or in the Alternative, for Appointment of a
6 Chapter 11 Trustee, for Cause (the "Motion"). The facts set forth herein are personally known to
7 me and, if called as a witness, I could and would competently testify thereto. All capitalized
8 terms used but not defined herein shall have the meaning ascribed to them in the Memorandum of
9 Points and Authorities in support of the Motion, filed concurrently herewith.

10 3. On March 22, 23, 24, 26 and 27, 2013, I accessed the SEC's website –
11 www.sec.gov/edgar.shtml – and performed an entity search of Gabriel on the Electronic Data
12 Gathering, Analysis and Retrieval ("EDGAR") system. True and correct copies of the SEC
13 filings that appear as Exhibits 1, 5 through 11, 13 through 22, 24 and 30 to the Request for
14 Judicial Notice, filed concurrently herewith, were downloaded by me from EDGAR on the date
15 that appears in the upper left-hand corner of those respective exhibits.

16 4. As of the date of this declaration, Gabriel's last quarterly report filed with the SEC
17 was on June 15, 2007. A true and correct copy of the full list of SEC filings for Gabriel, as of the
18 date of this declaration, is attached hereto as **Exhibit 1**.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed this 3rd day of April, 2013, at San Diego, California.

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Brian W. Byun